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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,320	BRADFELD ET AL.	
	Examiner	Art Unit	
	Melvin H. Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments, see Remarks Pp. 9-10, filed 16 August 2006, with respect to the rejection(s) of claim(s) 1-20 under Schiffer in view of other prior art have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered prior art.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Phraseology such as "a computer-implemented method" and "a computer readable medium" are not drawn towards one of the statutory categories. Correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP

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§ 2172.01. The omitted steps are: usage of the first network identifier and a port, and functional link to the first access requirement.

7. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: in regards to step b, whether the mobile device performs the reading step, the associating step, or both.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 5-8, 10-15, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Leerssen et al. (7,032,243).

10. For claim 1, Leerssen teaches a computer-implemented method (abstract; col. 1, line 1 – col. 5, line 10; col. 20, lines 1-25) comprising:

- a. Coupling (col. 5, line 10 – col. 6, line 20) a mobile (col. 6, lines 6 and 14) device (Fig. 1, #10) having a first resource (col. 5, lines 30-35) to a first network environment (Fig. 1, #8);

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- b. Reading (col. 8, lines 35-40) a first network identifier (col. 9, lines 25-35) associated with the first network environment and a port by the mobile device (col. 9, lines 35-60);
 - c. Determining whether the first network identifier satisfies a first access requirement stored locally at the mobile device by the mobile device (col. 9, line 60 – col. 10, line 65); and
 - d. Allowing access to the first resource (col. 9, lines 10-25) if the first network identifier satisfies the first access requirement (col. 10, line 65 – col. 12, line 15).
11. For claim 5, Leerssen teaches a computer-implemented method (abstract) of establishing and using sharing criteria to control access to a resource (col. 1, line 1 – col. 5, line 10; col. 20, lines 1-25) comprising:
- a. Reading (col. 8, lines 35-40) a first network identifier (col. 9, lines 25-35) associated with a first network environment (Fig. 1, #8) and a port by a mobile device (col. 9, lines 35-60);
 - b. Receiving, by the mobile device, an indication that a first resource on the mobile device is to be associated with the first network identifier (col. 9, lines 35-60); and
 - c. Storing the first network identifier in a first association with a resource identifier that identifies the first resource so that access to the resource is contingent upon receipt of the first network identifier (col. 10, lines 10-50).
12. For claim 6, Leerssen teaches the storing of the first network identifier in association with the resource identifier is accomplished by copying a portion of an association between the first network identifier and a second resource (col. 11, lines 5-15).

13. For claim 7, Leerssen teaches that the method of claim 5 further comprising:
 - a. Receiving a network identifier associated with an entity attempting to access the resource (col. 9, lines 25-35);
 - b. Comparing the received network identifier with the stored network identifier (col. 11, lines 50-60); and
 - c. Allowing access to the first resource if the received network identifier matches the stored network identifier (col. 12, line 60 – col. 13, line 35).
14. For claim 8, Leerssen teaches the method of claim 5 further comprising:
 - a. Receiving a network identifier associated with an entity attempting to access the resource (col. 9, lines 25-35);
 - b. Comparing the received network identifier with the stored network identifier (col. 11, lines 50-60); and
 - c. Denying access to the first resource if the received network identifier does not match the stored network identifier (col. 12, line 60 – col. 13, line 35).
15. For claim 10, Leerssen teaches removing the first association between the first network identifier and the resource identifier so that access to the first resource is allowed without receipt of the first network identifier (Fig. 7A).
16. For claim 11, Leerssen teaches suspending temporarily the first association between the first network identifier and the resource identifier so that access to the first resource is allowed without receipt of the first network identifier (Fig. 5A, #119).
17. For claim 12, Leerssen teaches the method of claim 5 further comprising:
 - a. Displaying a second network identifier (col. 9, lines 35-60);

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- b. Receiving an indication that the first resource is to be associated with the second network identifier (col. 9, lines 25-35); and
 - c. Storing the second network identifier in a second association with the resource identifier so that access to the first resource is contingent upon receipt of either the first network identifier or the second network identifier (col. 10, lines 10-50).
18. For claim 13, Leerssen teaches a computer readable medium (abstract) including instructions for causing a processor (col. 1, line 1 – col. 5, line 10; col. 20, lines 1-25) to:
- a. Read (col. 8, lines 35-40), by a mobile (col. 6, lines 6 and 14) device (Fig. 1, #10), a first network identifier (col. 9, lines 25-35) associated with a first network environment and a port (col. 9, lines 35-60);
 - b. Receive, by the mobile device, an indication that a first resource on the mobile device is to be associated with the first network identifier (col. 9, lines 35-60); and
 - c. Store in memory the first network identifier in a first association with a resource identifier that identifies the resource so that access to the first resource is contingent upon receipt of the first network identifier (col. 10, lines 10-50).
19. For claim 14, Leerssen teaches in which to store in the memory the first network identifier in association with the resource identifier a copy of a portion of an association between the first network identifier and a second resource is used (col. 11, lines 5-15).
20. For claim 15, Leerssen teaches in which the computer readable medium of claim 13 wherein the instructions cause the processor to:
- a. Receive a third network identifier (col. 9, lines 35-60);

- b. Compare the third network identifier with the stored first network identifier (col. 11, lines 50-60); and
 - c. Allow access to the resource if the third network identifier and the stored first network identifier are substantially equal (col. 12, line 60 – col. 13, line 35).
21. For claim 17, Leerssen teaches wherein the instructions cause the processor to remove the first association between the first network identifier and the resource identifier so that access to the first resource is allowed without receipt of the first network identifier (Fig. 7A).
22. For claim 18, Leerssen teaches wherein the instructions cause the processor to suspend temporarily the first association between the first network identifier and the resource identifier so that access to the first resource is allowed without receipt of the first network identifier (Fig. 5A, #119).
23. For claim 19, Leerssen teaches wherein the processor is located in a mobile device comprising one of the following: a notebook computer, a mobile telephone and a personal digital assistant (col. 6, lines 5-7).
24. For claim 20, wherein the resource comprises one of the following: a folder, a directory, a file, an application, a printer, a disk drive, a ROM drive, memory and a scanner (col. 6, lines 35-55).

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 2-4, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leerssen as applied to claims 1, 5, 13 above, and further in view of Burton et al. (7,130,880).

27. For claim 2, Leerssen does not expressly disclose that the method of claim 1 further comprises authentication. Burton teaches a method (abstract) for sharing files over a network (col. 1, line 1 – col. 2, line 55; col. 5, lines 5-25), wherein the method further comprises:

- a. Obtaining a user name and password associated with a particular user of the first network (col. 4, lines 35-40);
- b. Reading a second access requirement stored locally at the mobile device (col. 4, lines 1-10); and
- c. Determining if the user name and password satisfies the second access requirement before allowing access to the first resource (col. 4, lines 40-50).

14. At the time the invention was made, one of ordinary skill in the art would have added Burton's authentication Leerssen in order to provide a system for tracking the rights of particular users (col. 1, line 60 – col. 2, line 10).

15. For claim 3, Leerssen does not expressly disclose that the method of claim 1 further comprises authentication. Burton teaches that the method of claim 1 further comprising:

- a. Obtaining a user name and password associated with a particular user of the first network after allowing access to the first resource (col. 4, lines 35-40);
- b. Reading a second access requirement stored locally at the mobile device and associated with a second resource after allowing access to the first resource (col. 4, lines 1-10);

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- c. Determining if the user name and password satisfies the second access requirement (col. 4, lines 40-50); and
 - d. Allowing access to the second resource if the user name and password satisfies the second access requirement (col. 4, lines 40-50).
- 16. At the time the invention was made, one of ordinary skill in the art would have added Burton's authentication Leerssen in order to provide a system for tracking the rights of particular users (col. 1, line 60 – col. 2, line 10).
- 17. For claim 4, Leerssen teaches the second network environment (Fig. 1, #9), but does not expressly disclose that the method of claim 1 further comprises authentication. Burton teaches that the method of claim 1 further comprising:
 - a. Reading a user name and password (col. 4, lines 35-40) associated with a second network environment (Fig. 2);
 - b. Determining whether the user name and password satisfies a second access requirement (col. 4, lines 40-50) stored locally at the mobile device (col. 4, lines 1-10); and
 - c. Allowing access to a second resource associated with the mobile device if the user name and password satisfies the second access requirement (col. 4, lines 40-50).
- 18. At the time the invention was made, one of ordinary skill in the art would have added Burton's authentication Leerssen in order to provide a system for tracking the rights of particular users (col. 1, line 60 – col. 2, line 10).
- 19. For claim 9, Leerssen does not expressly disclose that the method of claim 1 further comprises authentication. Burton teaches that the method of claim 5 further comprising:

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- a. Receiving a user name and password associated with a particular user (col. 4, lines 35-40);
 - b. Receiving an indication that the first resource is to be associated also with the user name and password (Fig. 3); and
 - c. Storing the user name and password in a second association with the resource identifier so that the access to the first resource is contingent also upon receipt of the user name and password (col. 3, lines 35-50).
20. At the time the invention was made, one of ordinary skill in the art would have added Burton's authentication Leerssen in order to provide a system for tracking the rights of particular users (col. 1, line 60 – col. 2, line 10).
21. For claim 16, Leerssen does not expressly disclose that the method of claim 1 further comprises authentication. Burton teaches that the computer readable medium of claim 13 wherein the instructions cause the processor to:
 - a. Receive a user name and password associated with a particular user (col. 4, lines 35-40);
 - b. Receive an indication that the first resource is to be associated also with the user name and password (Fig. 3); and
 - c. Store in the memory the user name and password in a second association with the resource identifier so that the access of the first resource is contingent also upon receipt of the user name and password (col. 3, lines 35-50).

Conclusion

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22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They regard further teachings on file sharing, authentication, and network determination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melvin H Pollack
Examiner
Art Unit 2145

MHP
05 December 2006


JASON CARDONE
SUPERVISORY PATENT EXAMINER